

Submitted	<u>February 22, 2006</u>
Approved	<u>As Amended</u>
Date	<u>February 22, 2006</u>

MINUTES OF THE ROCKVILLE PLANNING COMMISSION
MEETING NO. 23-05
Wednesday, December 14, 2005

The City of Rockville Planning Commission convened in regular session in the Mayor and Council Chambers at 7:00 p.m., Wednesday, December 14, 2005.

PRESENT

John Britton, Chair
Frank Hilton Gerald Holtz
Steve Johnson Sarah Medearis
Kate Ostell Robin Wiener

Present: Jim Wasilak, Chief of Planning
Sondra Block, Assistant City Attorney
Castor Chasten, Planner III
Sandra Marks, Planner III
Wayne Noll, Assistant City Forester
Judy Christensen, Historic Preservation Planner

REVIEW AND ACTION

Comprehensive Planned Development Detailed Application CPD2005-0001L, Boston Properties, Limited Partnership

The applicant proposes to construct a 189,273 square foot, 7-story office building at 1 Preserve Parkway in Tower Oaks.

Mr. Chasten presented the staff report. Mr. Chasten described the property as completely wooded with second growth forest and begins to slope gradually downward to a tributary of Cabin John Creek. The site is adjacent to the Woodmont Country Club, which is located in the R-E (Residential Estate) Zone. He noted that Clyde's Restaurant is located across Preserve Parkway.

The subject proposal is a resubmission of a previously approved Comprehensive Development Plan CPD2000-0001H, which was approved by the Planning Commission on July 26, 2000. After the detailed site plan was approved, the applicant sought and was granted two one-year time extensions of the expiration date of the detailed application, the last of which expired in September 2004. The applicant proposes to revive the previously approved development proposal and, thus, submit the subject detailed development plan for the Commission's review and approval.

Mr. Chasten stated that, while the previously approved proposal is similar to his proposal, there are changes that are found to be relatively minor. In accordance with requirements of the Zoning Ordinance, the Mayor and Council reviewed the schematic building design plans for the subject proposal at its July 25, 2005 meeting. Based on the testimony and information provided the Mayor and Council voted to approve the schematic building design plans for the proposed site development. The applicant submitted the proposal on July 27, 2005.

Under the previously approved CPD application, the applicant was granted approval to construct a seven-story office building, approximately 99 feet in height, 185,000 square feet in size, along with a two-level parking garage containing 633 parking spaces and other associated site amenities. Under the resubmitted detailed application, the applicant also proposes to construct a seven-story office building, however, at a height of 93 feet, 4 inches tall, a two level parking garage also containing 633 parking spaces, site surface parking that would accommodate 135 vehicles and other site improvements consistent with those previously approved under CPD2000-0001H. Mr. Chasten stated that the two-level parking garage is to be built into the slope of the property and will be substantially screened from view of Preserve parkway by site landscaping.

Under the proposal as submitted, the site's main entrance driveway is being constructed as a portion of the access road that will eventually be extended to serve the future development of the parcel to the south of the subject site. There will be two vehicular entrances into the subject property from Preserve Parkway. The main entrance is designed to be a full movement entrance located opposite the northern median break on Preserve Parkway, while the other proposed entrance will be right in right out entrance only located further north on Preserve Parkway. A visitor drop-off area within the landscape plaza will be located directly outside the main entrance. The applicant affirms that both the office and proposed parking garage have basically the same footprint as proposed in the previous application. It has also been noted that the changes to the project are intended to enhance the aesthetic appeal of the architecture and create a sleek, clean appearance, which is in concert with neighboring office space in the I-270 corridor. The building height of 93 feet does not include rooftop structures.

Mr. Chasten described the building materials and the changes to the design. He said that under the previous design, the roof canopy has been eliminated and the building's glass projection has been lowered to the sixth floor and shifted to the northwest corner of the building. The building will be pre-cast concrete, glass and metal construction. Under the current design, all metal panels have been removed from the pre-cast concrete and the glass bays are provided in more frequent intervals to allow narrower and longer windows. The changes to the building design allowed the applicant to lower the height of the building by approximately 5½ feet, from 99 feet 11 inches to 94 feet 3 inches in height.

Mr. Chasten stated that staff finds that the architectural plans are in substantial conformance with those previously reviewed by the Mayor and Council at its July 2005 meeting.

In response to Commissioner Britton, Mr. Chasten said that the applicant would explain the form and content of the schematic building design plans presented to the Mayor and Council.

Commissioner Hilton inquired about TDM requirements. Mr. Chasten explained that under the previously approved application, it is staff's understanding that the TDM would be viewed as double dipping; it is believed that the improvements that have been provided by the applicant are sufficient and that is why a TDM was not required for this application.

Commissioner Hilton asked whether there would be retail or a restaurant proposed on the first floor of the building. Mr. Chasten replied that it would be primarily office space. Commissioner Hilton questioned how much of the 1.9 linear square feet of office space that was allowed under the CPD is left after this and the subsequent proposal is taken into account. Mr. Wasilak stated that he believes that there are 900,000 square feet remaining in the main building area that the Boston Properties control.

Commissioner Ostell questioned whether this project is grandfathered in for the next 15 years now that the AFPO has passed. Mr. Wasilak stated that the project is grandfathered in for 25 years. Commissioner Ostell referred to Condition 14 in the staff report regarding a bus shelter. Mr. Chasten stated that the money would be withheld until there is a bus route in that location.

Commissioner Ostell questioned the three issues that the Mayor and Council were concerned about in their review of the schematics. Mr. Chasten said that one of the primary issues is the issue of those medians and access into the site. He believes that there was a perception that there would be a site distance concern for cars attempting to make a left turn northbound from Wootton Parkway to the site because of a large berm/hill. Mr. Chasten stated that once this building becomes operational and the site distance becomes an issue, then the hillside would have to be graded down. The hillside is in the median and could become a site distance issue and there would be need for modification, if that happens.

Commissioner Ostell questioned a number of conditions in the staff report regarding the number of parking spaces in the two-level garage, tree preservation for the site, stormwater management, and whether there was a requirement for a new bus shuttle on the site.

Commissioner Ostell spoke about traffic concerns in the area. Mr. Wasilak explained that a good portion of parking comes from Clydes Restaurant. He said that it is his understanding that Clydes directs their employees to park on the street. Currently, the City is permitting on-street parking. He noted that there is overflow parking for visitors to Clydes as well. Mr. Wailak stated that there are some visitors to the 2600 Tower Oaks Boulevard building who are parking on Preserve Parkway. At some point, the City will prohibit the on-street parking on Preserve Parkway when the traffic warrants it. There is a license agreement for the subject building to allow a certain amount of parking spaces for Clyde's after office hours. He noted that the City may need to further analyze Clyde's and their parking utilization once the City prohibits on-street parking in that area. The Commission and staff discussed concerns regarding on-street parking and safe access into the site and whether the parking calculations could be faulty for the site and surrounding area.

Commissioner Hilton expressed his concern about left hand turns from the southbound lane in front of Clyde's; to the subject property and that there was insufficient stacking ability on

Preserve Parkway. He asked staff if that situation has been looked at. Mr. Chasten stated that based on staff's conversation with the Traffic and Transportation staff, they feel that this design is adequate, unless they receive updated AM and PM peak trip projections then that may sway them. Mr. Wasilak stated that he recalled from the detailed application regarding the roadway, there were going to be some markings in the median that would help direct the traffic in crossing between the two directions. He said that he does not believe that has been implemented yet.

Commissioner Holtz questioned when the original traffic study was done. Mr. Wasilak stated that a traffic study was done with the original application in 1985. He noted that the applicant of the second item on tonight's agenda provided a traffic study of the area.

Scott Wallace, attorney with Linowes & Blocher presented the applicant's request. Mr. Wallace stated that the applicant is in agreement with the conditions of approval. Mr. Wallace addressed some of the points in question. He explained turning movements into and out of the site to Preserve Parkway. He noted that Preserve Parkway was a detailed application road itself because of the nature and design features of it. It went through the detailed application process as a stand-alone roadway and that was approximately four years ago. At that time, the very same questions came up. Modifications were made at that time based on accepted traffic engineering standards to accommodate the anticipated turning movements based on trip generation, when cars are coming in and out of the site, etc. This roadway with its medians and access points is designed to accommodate the full build out of the site in a safe manner. Boston Properties has always been willing to work with the City's Transportation staff regarding any type of striping that they believe might be helpful, and, if there is a perceived problem they remain willing to do so. An important point to remember about moving into this site is that there are no gates for the parking structure, which is what usually causes the backup of cars when entering an office building.

Mr. Wallace spoke to Commissioner Hilton's concern in that, based on office development; there are not a lot of turning movements into the site at that time. Although, Clyde's may be busy at noon, the proposed office building would not necessarily be busy. Mr. Wallace noted that AM peak hour trips are when the traffic is a concern. Again, since there is no gate at the parking entrance, there will be no stacking of cars into the site. The road was designed to accommodate anticipated traffic volumes.

In response to Commissioner Hilton, Mr. Wallace said there is some northbound traffic in the morning on Preserve Parkway that drivers have to cross over to get into the site. He noted the median can accommodate the necessary stacking based on how the traffic engineering is determined regarding the amount of cars coming in and out and how quickly the cars would be driving into the site at that time. If Traffic and Transportation staff were looking for trip generation numbers, the applicant would be happy to provide them with the numbers. There are approximately 300 trips in the AM hours and approximately 290 trips in the PM hours. Commissioner Hilton stated that four years ago they were not anticipating all those cars parking along the curb. Mr. Wallace stated that the City permits parking along those streets. Boston Properties would not oppose and has no issues with "No Parking" signs in that area. Mr. Wallace noted that they are addressing the parking issue by providing, by agreement, 100 spaces from Clyde's Restaurant as part of the contract that Boston Properties had with Clyde's for the

land sale and that would alleviate part of the problem. He said there is significant excess parking, currently, at 2600 Tower Oaks Boulevard. People choose not to use it because they can park free elsewhere. Boston Properties had urged its tenants not to allow that to happen and Boston has incentives to stop it from happening because it is paid parking. He said there is adequate parking in that garage at 2600 Tower Oaks Boulevard.

Mr. Wallace stated that the applicant is meeting current stormwater management requirements.

Duncan Kirk, Architect with HOK explained what was shown to the Mayor and Council. Mr. Kirk stated that the changes were very minor; they are largely in the penthouse and very minor changes to the dimensions of the windows. He noted that the building would be much a lower and sleeker design.

Mr. Wallace stated that they have not received any comments or requests to meet with Woodmont Country Club and neighborhood associations.

The following citizen testified:

William Meyer, 804 Leverton Road, stated that this design, without the canopy on the rooftop is a much more architecturally pleasing design. Mr. Meyer stated that his biggest concern is the parking situation on Preserve Parkway. The Planning Commission approved Preserve Parkway as a four-lane road. Since then Clyde's was built and Clyde's now uses much of that parking because the City's standards for a stand alone restaurant are totally inadequate, especially as it relates to one space per X-number of square feet. Whenever the opportunity comes, the Planning staff needs to review the parking standards as they apply to restaurants. The parking requirements as they apply to stand alone office buildings are quite adequate. He would question the original application for 185,000 square feet of office building with 633 parking spaces and this is a 189,000 square feet of office building with the same number of parking spaces for 4,000 square feet more. Mr. Meyer stated that the pictures shown are really not very telling of the real conditions out there. The left turn into the proposed site when there is vegetation on those trees is a very hard area to be able to see, adequately, the site distance up that hill coming from the southbound area. He noted that the four-lane road needs further traffic studies. Mr. Meyer stated that before the Commission approves this revised application, now that the road is not there, and now that Clyde's has been in operation long enough so that the City knows what the parking problems are, it should reevaluate the main entrance into this site before granting the approval.

Mr. Meyer noted that in the original application, there was a condition imposed at the request of those homeowners for additional landscaping in front of their properties to shield their properties from visual impact of this proposed building. Mr. Meyer noted that the condition is not in this request nor was the Wootton Oaks Homeowners Association included in the notification process.

The Commission and applicant discussed the lack of information regarding safety issues with the left turn lane and the median, parking spaces, traffic and traffic lights in the area, Ride-On service, and shuttle service for employees. In response to questions from the Commission, Mr. Wallace stated that Preserve Parkway was carefully designed with the median as a feature that

was highly sought after as an aesthetic feature for this development. It was designed to handle the traffic without having a left hand storage lane built into it. This issue has been studied.

Commissioner Hilton stated that the parking requirements were studied for Clyde's and experience shows that it does not work.

The Commission further discussed cars leaving and returning to the site, which would result in a significant number of left turns into the site in mid-day, mixing with a lot of Clyde's traffic at the same time. He suggested that these are issues, but the Commission does not have the data to respond to or evaluate those issues comprehensively, the safety issue, despite the fact that Preserve Parkway may have been evaluated under different circumstances at one time.

Mr. Wallace stated that Preserve Parkway was studied based on full build-out of the office uses.

Commissioner Ostell questioned whether there would be a need for a traffic control device to direct the traffic in a safe manner. Mr. Wallace replied that they would be happy to explore that with the City's Transportation staff. He pointed out that, in their review of the site, the Transportation staff has not asked for any further traffic improvements. If there is a striping plan that they would like to propose, the applicant would be happy to stripe the road if there was a need for that. Commissioner Ostell stated that she was thinking of a lot more than striping because driving around the area, even during daylight and without an office there, it is not clear about the direction of the traffic. Commissioner Ostell stated that she would want to have explored some sort of traffic control device, not just striping and the possibility of adding a left hand lane, if that should be needed.

Mr. Wallace commented that if the City chooses to add a left turn lane, the applicant would not have an issue with it.

Commissioner Ostell asked if the applicant would consider running a shuttle to the Metro station or any other place in the City to try to get some of the cars off the road. Mr. Wallace stated that there is Ride-On service on Tower Oaks Boulevard and as Preserve Parkway develops, the applicant is exploring a shuttle for tenants.

Damona Smith Strautmanis with Boston Properties stated that they encourage their tenants to use the Ride-On bus service. Currently, there are stops at 2600 Tower Oaks Boulevard and she knows that Tower Oaks building is also served by Ride-On bus service. They would try to have that service extended to this project as well. Commissioner Ostell pointed out that the second project on the agenda tonight, which is located next door, is proposing a shuttle that would run during the non-peak hours. Ms. Smith-Strautmanis stated that they would rather take the approach of encouraging their tenants to use the Ride-On bus service rather than having a shuttle. Commissioner Ostell stated that if there is not a Ride-On bus at noon, the shuttle they are providing next door would be there to fill in when the Ride-On is not there. Since there is no place, other than Clyde's to eat lunch in the area, it might be a very useful thing for an office building.

Commissioner Hilton asked if the proposed office building was a Class A facility. Ms. Smith-Strautmanis replied that it was. Commissioner Hilton asked if there would be a restaurant or access to food service in the building. Ms. Smith Strautmanis replied that that is not part of their criteria. They do have criteria for parking. Commissioner Hilton commented that what the applicant is saying to their potential tenants that if they want to eat, they would have to bring a bag lunch or find a place to eat outside of the building. Ms. Smith Strautmanis replied that they find that most of their tenants drive.

Commissioner Britton asked the applicant's representative how they would feel if a Commissioner were to suggest a condition for shuttle service. Mr. Wallace replied that an important point to remember is their existing CPD resolution approval studied the AFPO needs for the entire build out of Tower Oaks and determined that the current road network is adequate with no further improvements required and he believes the shuttle service is included in that issue. Commissioner Hilton stated that part of the Commission's decision tonight is whether or not this application meets several factors, one of which is safety. If the subject property presents a hazard to the public, the Planning Commission would not approve it, unless the application were to mitigate that situation. He said he appreciates how much money the applicant has spent and he appreciates that they were grandfathered in by the APFO, but when it gets down to a threat to health and safety of the citizens of Rockville, the application would lose, unless they would be willing to mediate the problem.

Commissioner Ostell stated that she was looking for a way to alleviate the traffic, and a shuttle would help to alleviate traffic.

Commissioner Britton stated that a shuttle service would address the environmental issue. Underground parking and shuttle service are very urban ideas and a condition could be recommended this evening for shuttle service for the site.

The Commission further discussed concerns regarding the two-level garage, amount of impervious service, underground parking, tree preservation to screen the site from the neighborhood across the street, parking requirements up to code, whether Wootton Oaks Homeowners Association that was concerned about the screening were aware of the proposal, loading dock and transformers on the site, stormwater management, LEED certified, and TDM requirements for the site and why the applicant was exempted.

Commissioner Johnson moved to approve Comprehensive Planned Development Detailed Application CPD2005-0001L, Boston Properties, Limited Partnership with all staff conditions. Commissioner Hilton asked Commissioner Johnson if he would accept an amendment to the motion that would include that the applicant have discussion with the residents of Wootton Oak with regard to vegetation to reduce site impact. Commissioner Johnson accepted the amendment. Commissioner Ostel also asked to amend the amended motion to include a noontime shuttle. Commissioner Britton asked for some modification to go to the safety issue of the turning median, either alone or in concert with the neighbors in developing a shuttle or some other managing device to ensure safe conditions at that intersection. Commissioner Johnson stated that he does not believe that there has been enough evidence presented that would establish a need for a shuttle. He said he would suggest a condition whereby the applicant needs

to work with Ride-On to assure that there is service throughout the day. Commissioner Johnson noted that the other project would have a shuttle and it would make sense that it would stop for the employees at this building.

Commissioner Johnson said he would remake the motion to include the condition requiring that the applicant would work with the neighborhood on the landscaping and he would be happy with the general condition that traffic impacts need to be readdressed after the construction of the subject building and appropriate measures implemented to alleviate the problems with the left turn lane.

Commissioner Johnson moved to approve Comprehensive Planned Development Detailed Application CPD2005-0001L, Boston Properties, Limited Partnership with all staff conditions subject to the condition requiring the applicant to work with the Wootton Oaks neighborhood with respect to landscaping to shield their properties from visual impacts of this project and a condition that the applicant work with the City after the completion of the project to alleviate the traffic.

Mr. Wasilak suggested that the applicant submit a plan detailing landscaping that would address the issues. The second condition would require that the applicant conduct a study upon occupancy of the building up to a certain point looking at safety issues that could be made on Tower Oaks and Preserve Parkway to address those issues.

Commissioner Holtz asked Mr. Wallace if the applicant would be willing to participate in a study once the building was completed to determine if traffic mitigation was necessary for safety reasons. Mr. Wallace stated that the applicant is not opposed to a study as long as there is no presumption at the outset of the study that improvements are needed.

Commissioner Hilton suggested making a no-left turn off of southbound Preserve Parkway, which would solve the safety concern.

Commissioner Johnson continued with the motion. He stated that the applicant and the City would work together on a study and if the study determines safety problems as a result of the full build out and the occupancy in this building that appropriate improvements be made and paid for by the applicant.

After further discussion, Commissioner Wiener seconded the motion and the motion passed on a vote of 5-2 with Commissioners Hilton and Britton voting nay.

Comprehensive Planned Development Detailed Application CPD2005-0001M, Tower-Dawson LLC

The applicant proposes to construct a 9-story, 198,000 square foot office building, a 300-room hotel and a 75,000 square foot fitness center at the southeast corner of Wootton Parkway and Tower Oaks Boulevard in Tower Oaks.

Ms. Marks presented the staff report. Ms. Marks stated that the original application was approved in 1987 and subsequently amended in 1993 and 2001. The buildings are located on approximately 23 acres of land at the southeast corner of Tower Oaks Boulevard and Wootton Parkway. The project is located within the Development's Area 4 of the Tower Oaks development. There is an existing 185,000 square foot office building that was built by the Tower Properties, which is also located in Area 4. Currently, the site is heavily wooded and is adjacent to the Cabin John Creek stream valley. The concept plan called for dedication of the stream valley, a portion of which is on the site, and, as part of this application, the applicant will be dedicating the remainder of the stream valley park, as required by the CPD. The project must also comply with the overall forest conservation plan for the CPD.

Ms. Marks stated that the applicant is proposing a complex of three buildings including an office building, which will be 9 stories and a 75,000 square foot fitness center attached to a 300-room hotel. The hotel units will be traditional guest rooms and 100 units will be hotel residences, which will be sold as condominium units. While, the hotel residences will be in a separate tower with its own lobby and garage entrance, all of the hotel services will be available to the guests. The hotel also has meeting spaces as well as a large ballroom. Parking will be provided in two connected garages under the building complex, which exceeds the 45% requirement of structured parking for the site. The 9-story office building has been designed to complement the existing Tower Building, already built on Wootton Parkway through the use of similar building materials and curved forms along the building corners. The hotel complex is comprised of two towers, one of which houses traditional guest rooms and the second houses the hotel residences and the two towers are linked at the ground floor lobby level. As required by the Concept Plan and Resolution, the Mayor and Council have reviewed this application and commented on schematic architecture and site design. The Mayor and Council considered the conceptual proposal of this project at their meetings of April, June, and July 2005. At that time, the member of the Mayor and Council expressed concerns about the height of the building and the capacity of the surrounding roads and intersections now and as well as in the future. The Mayor and Council also discussed the installation of a traffic signal at the project entrance on Tower Oaks Boulevard and the potential for employing a shuttle to serve the development. The applicant has agreed to both of those items. The Mayor and Council approved both the schematic architecture and site design.

Ms. Marks stated that stormwater management will be provided primarily in the adjacent wetland marsh pond built by the Tower Company in 2004. The facility was constructed and is currently serving as a sediment control basin, which will be converted into a stormwater management facility.

Ms. Marks stated that, as part of the original Concept Plan, the traffic study was conducted for the entire site and all of their off-site mitigations requirements have been met, and for this application, staff analyzed the on-site circulation for vehicles, trucks, pedestrians, and bicyclists as well as all of the facilities that have frontage of the site.

Ms. Marks stated that the applicant will be applying for LEED environmental certification and will be incorporating environmental features into the design of the three buildings on the site. Staff supports this effort by the applicant.

In response to questions from the Commission, Wayne Noll, Assistant City forester explained the forestation of the site.

The Commission discussed future buildings coming into the site, hotel residences to be sold as condominium units, parking on the site, signal at the entrance of the site, stream bed and erosion problems, MPDU requirement for the site, and the 100 hotel units.

Bill Kominers, Attorney with Holland & Knight, presented the applicants request. Mr. Kominers stated that the three buildings will be green buildings and will meet LEED standards, which is leadership, energy, and environmental design. It will be the largest green complex in Maryland. It will be the first green hotel complex. Mr. Kominers discussed the hotel, fitness facility, and parking structures as well as the ballroom and meeting spaces including a kosher kitchen. The office building is 198,400 square feet; it does take density from the side of the Tower Building and the South Gateway site, 23,400 square feet from the Tower Building site and 75,000 square feet from the South Gateway site. The hotel is a full service high quality hotel; the club sport facility is a full service health and fitness center and spa, indoor/outdoor pools, basketball, racket sports, exercise fitness equipment and classes. All the parking would be below the buildings. There is a restaurant for casual dining in the hotel. A ballroom and meeting space are planned. The concept is a lifestyle concept. There will be 100 hotel residences. Of the 275 units that were approved in the Concept Plan for Tower Oaks, 136 townhouses were built, which utilizes the majority of that site. It is a service related lifestyle where the people in the hotel residences will allow people to live at that hotel and make use of all of the hotel services. All the services are integrated into those. Mr. Kominers explained several points about this application: 1) what is called in the Concept Plan is to find the right hotel and club that fits Tower Oaks; 2) LEED and green buildings; 3) the commitment of Tower-Dawson, that is part of the Tower Building; this will be the sixth largest green building complex in the United States; 4) make the dedication of the Stream Valley Park and meet with the Boards of all 4 of the surrounding citizens associations to discuss it with them; 5) the office building is 1/3 pre leased because the Tower Company and Lerner Enterprises are so excited about this project that they both plan to move their headquarters to this building.

Chris Gorden, Architect, discussed the design and materials for the building and landscaping for the site. Mr. Gorden stated that there are six different components because it is a highly integrated project with mixed-use development. There is parking that extends underneath the entire development; it is heavily landscaped on top so that it takes the runoff and uses it for the landscaping. He stated that the hotel complex is comprised of two towers. He described the functions and features of the two tower buildings. Mr. Gorden also described the facades of the tower buildings. He also described the entrances to the parking garage, trash and loading, and other hotel services. He discussed bicycle storage and lockers for alternate transportation.

Mr. Gorden stated that the building materials used for the tower buildings would also be used on the office building. He said they are trying to achieve a LEED certification as a minimum.

Robert Osborne with BBGM Architects described the fitness club design and materials.

Commissioner Britton stated that he is involved in litigation with Holland and Knight's partners, but that should not affect his decision on this application. Commissioner Wiener stated that she owns a corporation and has just engaged Holland and Knight to do some corporate work for them.

The following citizen testified:

Bill Meyer, 804 Leverton Road, stated that the concept of this project is good as well as architecturally. Mr. Meyer stated that he has questions with some environmental and safety issues. He pointed out that Condition 13 in the staff report regarding retaining wall construction, having an architectural feature on the retaining wall, forestation, stormwater management pond, enhancing the crossing across the tributary entering their existing office building, and replacing all of the missing street trees on the site. Mr. Meyer stated that there are no street trees on Tower Oaks Boulevard, because over the last decade, ever since Tower Oaks built this road, there have been some serious accidents there and many trees have been taken out. He noted that the City is well aware of this safety hazard. As far as the right turn right in off of Wootton Parkway, what impact is that going to have on the deceleration lane that currently exists.

The Commission discussed concerns regarding safety issues on the road, undergrounding of service, and the retaining wall.

Ms. Marks explained that City staff has been made aware of this problem and she believes there is a plan to go out to address this issue.

Commissioner Ostell asked staff if a sign could be installed to warn people about ice on the road. Ms. Marks replied that she would suggest that to staff.

Commissioner Britton inquired about the retaining wall. Mr. Kominers replied that they had a significant problem with the retaining wall on the east side that goes to Tower Oaks. They plan to build a new wall in front of that wall to hold up the old wall. The original wall was a keystone wall; they do not build keystone walls anymore. Mr. Kominers stated that the design wall would have some enhancements on it in the areas where it is visible.

Commissioner Britton inquired about the traffic impact on the acceleration lane on Wootton Parkway. Mr. Kominers explained that they have been asked to extend that lane along the frontage of the property.

Ed Papazion, traffic consultant explained the situation. In terms of the eastbound lane along Wootton Parkway, they have worked together with staff to assure that the right in right out is appropriately located. There will be a continuous lane between Tower Oaks Boulevard and the entrance drive and that will allow for the opportunity for any weaving movements that need to be made by the automobiles that would be either turning right from Tower Oaks Boulevard onto Wootton Parkway or are entering along Wootton Parkway. Mr. Papazion stated that there will be a mountable curb along the auxiliary lane.

The Commission further discussed concerns regarding appropriate signage for the road, right lane right turn only, green design standards for development, landscaping, Ride-On service, stormwater management, environmental issues, and the trees taken out on Tower Oaks Boulevard.

Commissioner Holtz moved, seconded by Commissioner Ostell to approve Comprehensive Planned Development Detailed Application CPD2005-0001M, Tower-Dawson LLC per staff conditions. The motion passed unanimously.

DISCUSSION AND INSTRUCTION TO STAFF

Lincoln Park Neighborhood Plan – new neighborhood plan for (Planning Area 6) to replace the 1984 Lincoln Park Neighborhood Plan. The area is bounded generally by the Metro/CSX tracks on the west, Ashley Avenue on the north, North Horners Lane on the east and Lincoln Avenue on the south.

Lincoln Park Conservation Plan – for new residential development standards in Lincoln Park to preserve neighborhood character.

Mr. Wasilak summarized comments from Miller, Miller & Canby and other residents of Lincoln Park neighborhood. These comments addressed the MCPS property on North Stonestreet Avenue endorsing more flexibility in terms of site design and what is proposed for that site in the neighborhood plan. The other issue they raised was more specificity on the ultimate land use associated with the former Lincoln High School.

Mr. Wasilak stated that, in the main packet, there is the statement by Ms. Hall, who was the chair of the Preservation Committee dealing with the Lincoln Park Conservation Plan and her statement is supported strongly by the that group, its efforts, and the approval of the Conservation Plan.

Mr. Wasilak stated that there are nine comment sheets that have been returned to staff and all but one sheet support both the Lincoln Park Neighborhood Plan and the Conservation Plan. There is a mix of residents and people who own property in the neighborhood. There was one concern noted by residents about having on-street parking on both sides of Ashley Avenue with the redevelopment of the WINX property. There was a resident on North Stonestreet who was opposed to certain aspects of the Conservation Plan and Neighborhood Plan regarding the restriction of subdividing and assemblage of lots for future development and wanting to leave those possibilities in place for people who live in the neighborhood and also he was opposed to the Conservation district as a restriction. The final written comment was from the Lincoln Park Historical Foundation regarding the verbal testimony from Anita Neal Powell, who is the President of the Foundation at the Planning Commission's last meeting with raising many concerns about the notification process that was used for the public hearings, which was explained at the last meeting. After that issue was raised, staff sent out the same packet again with an updated letter via regular mail to all residents and non-resident owners and advising them that the public record would be closing this evening. Ms. Neal Powell would like that the

deadline for so many comments extend beyond this evening to allow everyone the maximum time for written comments.

Mr. Wasilak stated that, of the testimony that has been received to date, he would propose to move forward with the Commission outlining their issues of concern with both documents. These Plans have not been scheduled for the Mayor and Council public hearing as of yet. Staff would anticipate that it would go to the Mayor and Council's public hearing at its first meeting in February 2006.

Mr. Wasilak further discussed the process in modifying the draft Neighborhood Plan as it goes forward to the Mayor and Council.

In response to Commissioner Britton, Mr. Wasilak explained that the Commission can layout the issues this evening and staff can bring back a draft resolution addendum to address those issues in January.

In response to Commissioner Britton, Mr. Wasilak stated that, as a result of Ms. Neal Powell's statement, staff sent the same packets out the next afternoon and none have been returned to the City.

Commissioner Britton stated that he, personally, does not have a problem with extending the public comment period another week to allow those who might have received the mailing a little bit late to give them the opportunity to comment.

In response to the Commission, Commissioner Britton suggested extending the public comments until the end of the year. That would give time to collect the comments and get them to the Commission before the Commission's first January 2006 meeting.

Commissioner Britton stated that the public comment period for written comments has been extended to close of business, December 31, 2005 and the Commission would consider those comments at its meeting of January 11, 2006.

Commissioner Medearis questioned whether staff was pursuing the issue she raised with regard to the WINX property and potential threats to the community due to its proximity to the Washington Gas facility and the Suburban propane site. Mr. Wasilak replied that staff will be responding to that issue.

Commissioner Johnson referred to one comment from a resident on North Stonestreet about not restricting the ability to subdivide. He asked staff how many properties in the Neighborhood Plan that actually could be subdivided. Mr. Wasilak replied that many of the lots have 50-foot lot widths, which would limit the potential for subdividing those lots, which, in turn, would not be compatible with the community. The community is opposed to pipestem lots and they would be out of character with the community.

Commissioner Johnson questioned to what extent the Conservation Plan is directed at new people purchasing property and building mansions versus restricting long-time residents wanting to do expansions.

Ms. Christensen replied that the Plan is not really directed at anybody, the goal is to preserve the existing character of that area. It actually encourages people to add onto properties and improve them. It is hopeful that there would not be a lot of houses that would be overscaled and change the face of the community. Ms. Christensen stated that there are very few situations where one could subdivide these lots, except on corners because of the narrow width of them.

Commissioner Britton suggested that all Commissioners submit their comments or questions to staff for further discussion at the second meeting in January.

Commissioner Britton thanked the community members for showing support in coming to the meeting and to encourage their friends to submit comments, if they have not already done so.

The following citizen testified:

Robert Brown stated that life is changing in Lincoln Park. He expressed concern that Lincoln Park is slowly being taken over by big developers, and people with big money. Commissioner Britton pointed out that these Plans are community driven. The Commission did not make up those documents. The Commission is just reviewing them because they have to go through, by State law, a process to approve the Plans that have been submitted to them, but it is the community, with the help of City staff, that has worked a couple years on these documents with the intent of addressing those concerns Mr. Brown is raising this evening. The community has the intent of preserving what the community has now in Lincoln Park and keeping the history and making sure that the items in these documents preserve a lot size, the architectural styles and the community feel, so that the history of Lincoln Park continues as Lincoln Park, not some community in the neighborhood that no one knows.

Mr. Brown expressed concern that the history of their people will be taken away from them. He stated that he hopes the Commission will take that into consideration.

COMMISSION ITEMS

CHIEF OF PLANNING REPORT

Mr. Wasilak pointed out that the large binders that were given to the Commissioners contain accumulated work that has gone into the Zoning Ordinance rewrite. Staff has given a binder to everyone who is going to have direct input into the rewrite. Staff will be providing the Commission with regular updates with the printed material as well as the verbal updates.

Mr. Wasilak stated that the Commission is tasked with voting two members of the Commission to the Zoning Ordinance Task Force. This could be done this evening or at the first meeting in January. Mr. Wasilak explained the process and duties.

Mr. Wasilak stated the Commission's next meeting will be January 11, 2006. The Agenda will include the Lincoln Park plans and one use permit application and a couple of Final Record Plats.

Commissioner Britton stated that he would not be present at the January 11, 2006 meeting.

Election of Chair for 2006

Commissioner Holtz moved to nominate Commissioner Ostell as Chair for 2006. Commissioner Wiener seconded the motion. Commissioner Ostell accepted the nomination and the motion passed unanimously.

ADJOURN

After further discussion, the meeting adjourned at 10:10 p.m.

Respectfully submitted,

Tyler Tansing, Commission Secretary